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Attorney for Defendants, ANTIOCH UNIFIED SCHOOL DISTRICT;  
DEBORAH SIMS, JO ELLA ALLEN, ROBERT BRAVO,  
ANDY CANNON, RON LEONE, and BUKKY OYEBADE,  
individually and in their official capacities.  
(CASE NO.: C08-01709 SI)

Attorneys for Defendants  
HOUSING AUTHORITY OF THE COUNTY OF CONTRA COSTA, ELIZABETH  
CAMPBELL, KATHY GUZMAN and JOANNA RODRIGUEZ  
(CASE NO.: C08-01914 JCS)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEARMAND E., a minor, by and through  
DEARMAND ELLIS, JR., his father/legal  
guardian; MICHAEL H., a minor, by and  
through ONITA TUGGLES, his mother/legal  
guardian; and NICHOLAS P., a minor, by and  
through BETTINA LAWRENCE, his  
mother/legal guardian.

**Plaintiffs.**

CITY OF ANTIOCH, ANTIOCH POLICE DEPARTMENT, JAMES HYDE, Chief of Police, Antioch Police Department, in his individual and official capacities; OFFICER JAMES VINCENT (#3747), OFFICER LEROY BLOXSOM (#2083), OFFICER PFEIFFER (#3707), OFFICER M. ZEPEDA (#4137), SERGEANT KEVIN ROGERS (#2464), OFFICER R. SOLARI (#2372), in their individual and official capacities; ANTIOCH UNIFIED SCHOOL DISTRICT; DEBORAH SIMS, JO ELLA ALLEN, ROBERT BRAVO, ANDY CANNON, RON LEONE, and BUKKY OYEBADE, individually and in their official capacities.

CASE NO.: C08-01709 SI

**OPPOSITION TO ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
CASES SHOULD BE RELATED (L.R.3-12)  
BY DEFENDANTS ANTIOCH UNIFIED  
SCHOOL DISTRICT; DEBORAH SIMS, JO  
ELLA ALLEN, ROBERT BRAVO,  
ANDY CANNON, RON LEONE, and BUKKY  
OYEBADE, individually and in their official  
capacities**

**(N.D. Local Rule No. 3-12(e))**

#### Defendants.

1 Defendants, ANTIOCH UNIFIED SCHOOL DISTRICT; DEBORAH SIMS, JO ELLA  
 2 ALLEN, ROBERT BRAVO, ANDY CANNON, RON LEONE, and BUKKY OYEBADE,  
 3 (hereinafter "District Defendants") in *Dearmand E., et al v. City of Antioch, et al* case No. C08-  
 4 01709 (hereinafter "*Dearmand E.*") and Defendants, HOUSING AUTHORITY OF THE  
 5 COUNTY OF CONTRA COSTA, ELIZABETH CAMPBELL, KATHY GUZMAN and  
 6 JOANNA RODRIGUEZ in *Tuggles v. City of Antioch* (No. 08-01914 JCS) (hereinafter "Housing  
 7 Authority Defendants") oppose the *Williams v. City of Antioch* (No. 08-02301 SBA)  
 8 (hereinafter "*Williams*") plaintiffs' Administrative Motion to Consider Whether Cases Should Be  
 9 Related for the reasons set forth below.

## 10 I. INTRODUCTION

11 The *Williams* plaintiffs seek an order that the following three cases should be considered  
 12 related:

- 13 1. *Williams v. City of Antioch* (No. 08-02301 SBA);
- 14 2. *DeArmand E. v. City of Antioch* (No. 08-01709 SI); and
- 15 3. *Tuggles v. City of Antioch* (No. 08-01914 JCS).

16 Pursuant to Northern District Local Rule No. 3-12(a) " [a]n action is related to another  
 17 when:

- 18 (1) The actions concern substantially the same parties, property, transaction or event; and
- 19 (2) It appears likely that there will be an unduly burdensome duplication of labor and  
 20 expense or conflicting results if the cases are conducted before different Judges."

### 21 A. The actions do not concern the same parties, property, transaction or event.

22 The *Williams* plaintiffs contend that the nature of the three actions, the discovery and the  
 23 relief sought are similar enough to cause the three cases to be related and assigned to the same  
 24 judge. The District Defendants and Housing Authority Defendants disagree.

25 //

1       The *Williams* case is a class action suit filed on behalf of

2       “[A]ll African-American Section 8 households who have held, currently  
3       hold, may hold or are erroneously regarded by the City and officers of  
4       the Antioch Police Department as holding, Section 8 housing vouchers  
5       and all members of their household who reside, have resided or will  
6       reside, in the City Antioch.” (*Williams*, First Amended Complaint,  
7       paragraph 3.)

8       In *Williams*, plaintiffs allege that the City and its police department have somehow  
9       engaged in a “concerted campaign” to reduce the African-American Section 8 population of the  
10      City. Conduct is alleged to include focusing investigations of tenant-caused disturbances on  
11      African-American households, soliciting complaints from neighbors of African-American  
12      households, and conducting unlawful searches of these residences. The City is the only defendant  
13      (*Williams*, First Amended complaint, paragraph 2.)

14       In *Tuggles*, a single plaintiff has sued the City of Antioch and certain of its employees  
15      and the Housing Authority of Contra Costa County as well as some of its employees arising of  
16      Section 8 termination proceedings. The issues are specific to this plaintiff. The Housing  
17      Authority of Contra Costa County and its employees, represented by this law firm, are not parties  
18      in either of the other two actions.

19       *Dearmand E.* is brought by three African-American male students of Deer Valley High  
20      School in the Antioch Unified School District and relates solely to a single incident that occurred  
21      on March 7, 2007, at a shopping adjacent to Deer Valley High School. The plaintiffs were  
22      arrested by the Antioch Police Department and later expelled by the School District. The  
23      allegations in the First Amended Complaint against the District Defendants relate solely to the  
24      expulsions of the three students. The District Defendants are not parties in either of the other  
25      lawsuits.

26       //

27       //

1           **B. There is no likelihood of unduly burdensome duplication of effort should the**  
2           **cases not be related.**

3           The discovery in the cases will not be overlapping with respect to the District  
4           Defendants. As noted above, the allegations against the District Defendants have nothing to do  
5           with Section 8 housing, illegal searches or any claimed attempt to rid the City of African-  
6           Americans. Instead the discovery will be focused on whether the three students' rights were  
7           violated during the expulsion process. Discovery in the *Tuggles* case will be limited to the  
8           distinct claim for plaintiff's specific housing rights as opposed to the more general class  
9           allegations in *Williams*.

10           Not one of the nine "common elements" outlined by the *Williams* plaintiffs at page 4 of  
11           their motion is common to any proposed discovery against the District Defendants or Housing  
12           Authority Defendants. Yet, these Defendants would be obligated to spend time and money in  
13           this unnecessary discovery. The burden is obvious.

14           **C. The relief sought is different.**

15           Though there is injunctive relief sought in *Dearmand E.*, and *Tuggles* it is in no way  
16           similar to the injunction sought in the *Williams* case. In *Dearmand E.* and *Tuggles* no injunctive  
17           relief is sought against the District Defendants or the Housing Authority Defendants; rather, in  
18           *Dearmand E.* the injunction sought is to stop racial profiling of African-American students  
19           patronize businesses adjacent to the school and is sought against the City of Antioch's Police  
20           Department; in *Tuggles* the injunction sought is to stop copying and disseminating juvenile  
21           police reports without a court order. These are quite different from the injunction sought in  
22           *Williams*.

23           **II. CONCLUSION**

24           The District Defendants and Housing Authority Defendants see no valid basis for  
25           considering these three cases related and the *Williams* Plaintiffs have produced no evidence to  
26           support such a finding.

1 For the reasons set forth above, it is respectfully submitted that the moving parties have  
2 failed to establish the necessary elements to support a finding that these three cases, *Tuggles*,  
3 *Dearmand E.* and *Williams* are related pursuant to Local Rule 3-12.

4  
5 DATED: August 1, 2008

EDRINGTON, SCHIRMER & MURPHY

6  
7 By

Dolores M. Donohoe

8 Dolores M. Donohoe, ESQ.  
9 Attorney for Defendants, ANTIOCH  
10 UNIFIED SCHOOL DISTRICT;  
11 DEBORAH SIMS, JO ELLA ALLEN,  
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12 Attorneys for Defendants HOUSING  
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14 CONTRA COSTA, ELIZABETH  
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